

RESOLUTION NO. 2009-156

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING SECOND SUPPLEMENTAL AGREEMENT TO
PIXLEY PARK PROPERTY EXCHANGE AGREEMENT AND
IMPROVEMENT AGREEMENT

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WHEREAS, the City of Lodi and the developer, G-REM, Inc., entered into a land exchange agreement in December 2004 to reconfigure the Pixley Park C-Basin to allow development of the park site per the approved Pixley Park Conceptual Plan. As part of the land exchange agreement, the developer agreed to construct all the required frontage improvements fronting the proposed park site on Auto Center Drive and to excavate the basin to conform to the final grading of the future park layout. The executed agreement gave the developer until December 2007 to complete the obligations of the agreement; and

WHEREAS, the developer entered into a Supplemental Agreement with the City on January 23, 2008, to extend the completion of the basin excavation to December 2009, due to difficulties in moving and selling the excavated soil; and

WHEREAS, the developer requested to extend the completion date of the improvement agreement and the original land exchange agreement to allow extra time to complete all the required improvements and grading of the park site. Since the City does not currently have funds to construct the proposed features at the park site, staff supports an extension to the completion date of the basin excavation and land exchange to December 31, 2011; and

WHEREAS, the developer has executed the supplemental agreement and paid the document preparation fees.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the Second Supplemental Agreement to the Pixley Park Property Exchange Agreement and Improvement Agreement with G-REM, Inc.; and

BE IT FURTHER RESOLVED that the City Council does hereby authorize the City Manager and City Clerk to execute the agreement on behalf of the City.

Dated: November 4, 2009

I hereby certify that Resolution No. 2009-156 was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 4, 2009, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Johnson, Katzakian, and
Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Mounce

ABSTAIN: COUNCIL MEMBERS – None


RANDI JOHL
City Clerk